



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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MINUTES BUILDING, FIRE AND PLUMBING CODES COMMITTEE

Date: July 8, 2009
Location: Senate Hearing Room 2, Olympia

BFP Committee Members Present: John Cochran, Chair; Tom Kinsman, Vice Chair; Ray Allshouse; Angie Homola; Peter DeVries

Other Council Members Present: Kristyn Clayton, Jerry Mueller, Representative Bruce Dammeier

BFP Committee Members Absent: Jon Napier, Dale Wentworth

Visitors Present: Kraig Stevenson, Diane Glenn, Paul Burckhard, Eric Lohnes, Kate Tate, Maureen Traxler, Harry Indig, Pete Crow, Jeanette McKague, Paul O'Connor, Brian Minnich, Tom Nichols, John Hogan, Sandy Howard, Javad Maadanian, Chuck Day

Staff Present: Tim Nogler, Krista Braaksma, Joanne McCaughan, Sue Mathers

CALL TO ORDER

John Cochran, Chair of the Building, Fire and Plumbing Codes Committee, called the meeting to order at 10:03 a.m. John welcomed everyone. Introductions were made.

REVIEW AND APPROVE AGENDA

The agenda was reviewed. John Cochran made the following additions to Item #7, "Other Business:"

- A letter from the Department of Ecology and a draft response about design flood elevations.
- A fire code interpretation about explosives.

With those changes, the agenda was approved as amended.

REVIEW AND APPROVE MINUTES

The minutes from the June 10 meeting of the Building, Fire and Plumbing Codes Committee were reviewed. Ray Allshouse expressed concern that Section R302 was omitted from discussion. Tim Nogler noted that Section R302 is included in Motion #5 appearing on page 7 of the minutes. A notation to that effect will be made. Thus the minutes were approved as amended.

TAG REPORTS

Residential Code TAG

Ray Allshouse called attention to a memorandum dated July 8, 2009 to the Building, Fire and Plumbing Codes Committee from Tien Peng and himself. This memo outlines work achieved by the Residential Code TAG over the course of three meetings, held on June 17, June 24 and June 30, 2009. Ray noted the TAG was able to gain consensus on most items. There was one minority report, filed by Rick Lupton, City of Seattle, about the adoption of energy efficiency provisions in Chapter 11 of the IRC (Code Change Proposal #09-234).

Ray summarized the following recommendations of the Residential Code TAG:

1. A footnote to Table R302 allows roof eave overhangs extending within the five-foot fire separation distance to not be fire-treated if there is no gable vent.
2. This proposal amends a Phil Brazil proposal to delete all 2006 state amendments relating to braced wall panels. Because the TAG determined that not all state amendments were incorporated into the 2009 IRC, it recommends retaining modified versions of R403.1.2, R602.9, R602.10.7.1, R602.10.9 and R602.10.9.1.
3. This modifies the exception to R314.3.1 to treat electrical systems the same way plumbing and mechanical systems are treated.
4. This amends the exception for townhouses in Section R302.2. It clarifies that common, one-hour, fire-resistance-rated wall assemblies must have an installed 13D automatic fire sprinkler system. Common, two-hour, fire-resistance-rated wall assemblies are permitted if there are no plumbing or mechanical equipment, ducts or vent cavities in the common wall. WAC references are added to coordinate the building code with the electrical code.

Tim clarified that the second exception covers a TAG concern about unsprinklered townhouses in the event that sprinkler requirements are moved to an appendix chapter.

5. This proposal is a stepping stone to the Council's 2012 adoption of the International Energy Conservation Code (IECC). It allows for earlier adoption of Chapter 11 energy efficiency provisions of the IRC. Ray said this issue received extensive discussion. It provides a prescriptive means of satisfying residential energy requirements.

A minority report was filed on this proposal by Rick Lupton of the City of Seattle. Rick's rationale is that the Residential Code TAG is not the appropriate TAG to review

energy code requirements. The minority report objects to Chapter 11 of the IRC replacing the Washington State Energy Code (WSEC) and not addressing the Governor's request for a 30 percent WSEC stringency increase. Ray said the Residential Code TAG dealt with this issue because the Energy Code TAG was overwhelmed with code change proposals to the WSEC and the proponent of this proposal brought it to the Residential Code TAG.

The IRC TAG concluded by consensus that it may be appropriate and reasonable to recommend to the Council this proposal as a compromise. The TAG recommends forwarding it to public hearing to receive further discussion from stakeholders. Doing so was also felt appropriate because the U.S. Department of Energy is using the IECC as a basis for a number of their funding programs.

6. Using the ICC Significant Changes Manual, the TAG recommends clarification of R202, 502.2.2.2, 502.2.2.3 and R602.10.1.2 to increase usability of the IRC. Tim noted that these are new changes appearing in the 2009 code that weren't in the 2006 IRC.

Regarding Item #5, energy efficiency, Kristyn Clayton stated, for the record, that IRC TAG recommendations are opinion only, since members of the IRC TAG lack expertise in energy code issues.

Tom Kinsman asked Ray what the implication is for the change in definition of "habitable attic" in Section R202. Ray said the TAG substituted "conditioned" for "finished or unfinished" to modify attic space in an effort to state the intent is to keep other associated code requirements from automatically applying when a space meets the criteria for "habitable attic." Tom restated that the TAG amendment was proposed because the TAG felt the 2009 IRC leads people to consider normal attics to be habitable spaces. Ray confirmed that.

Bruce Dammeier asked if the Committee will address recommendations singly or together as a packet. John Cochran answered that his tendency, barring exception by Committee members, is to vote on moving the recommendations forward as a group rather than individually. Tom agreed with voting on them as a group. Angie Homola noted that there should be an opportunity to remove individual items from the group. John agreed. Tim explained that routinely Council motions are to adopt TAG recommendations as a group. Those motions may then be amended itemize specifics in the report.

Regarding Section R314.3.1, alterations, repairs and additions, Angie asked if smoke alarms would have to be hard-wired in alterations or additions treated as new construction. She felt such a requirement would be onerous. Ray said this is an area where the model code is more restrictive. Acknowledging national intent, the TAG felt Washington should follow that direction. Angie said she just wanted clarification if smoke alarms can be battery operated, or if they must be hard-wired with battery backup. Tom said hard-wiring is required. Peter DeVries said while hard-wiring is relatively easy in a single-story building, it becomes more difficult with additional floors.

Motion #1:

Tom Kinsman moved acceptance of the Residential Code TAG recommendations for the International Residential Code, forwarding them to the Council and public hearing.

Amendment to Motion #1:

Angie Homola moved to delete Chapter 11, energy efficiency, from the Residential Code TAG recommendations moving forward. Lacking a second, the amendment failed.

A vote on Motion #1 was called for. The motion was adopted by a voted of 3 to 1.

LOCAL AMENDMENT, Seattle Existing Building Code

John said he, Tom and Ray met with Jon Sui and Maureen Traxler on June 30 to discuss their local amendment. Tom said the local amendment is very complex, essentially rewriting Chapter 34 of the IBC and making corresponding changes in the IRC. He said it also relates to the IEBC. Tom spoke in opposition to the local amendment at the previous Council meeting. Further discussion has occurred since then. Tom said there isn't consensus between Tom, Ray and himself on this local amendment. All have differing opinions. Tom's comments on the local amendment are written in a memo dated July 7, 2009.

The complexity of Seattle's local amendment is based on taking limitations that the state placed on one-four dwelling units and overlaying them into three separate codes, the IBC, IRC and IEBC.

Tom noted that he's historically been opposed to local amendments because he feels there's justification for the Legislature placing a high bar on their adoption. He said uniformity is extremely important to people working with codes across jurisdiction lines. It's problematic, time-consuming and costly to have varying code provisions in different jurisdictions.

Tom feels that the changes in Seattle's local amendment aren't significant enough to warrant Council approval. He said the model codes, the IBC, IRC and IEBC, offer enough flexibility that Council approval isn't needed. Regarding impracticability, for example, Chapter 34 refers to Chapter 104, modification and alteration provisions, which are clearly administrative.

The problem is that when the Council adopted the International codes and wrote policies for local amendments, the Council ruled that all existing local amendments had to be reviewed, excluding those in Chapters 1, 17 and 34. Seattle continued amending Chapter

34 because it was exempt from state review. But the Council amended policies for local amendments in 2008, deleting reference to Chapter 34. Last year, the Council decided to simply state that if the amendment relates to administrative issues, regardless of where it's located in the code, it's outside the Council's purview.

Of the five criteria by which the Council reviews local amendments, #2 (uniqueness based on seismic conditions) is the only relevant one. But Seattle's proposal isn't restricted to seismic regulation.

Tom made three suggestions to Seattle:

1. Seattle can easily provide an administrative amendment in its local code requiring adherence to the IBC and IRC as amended by the state.
2. Seattle can restrict its proposal to structural provisions, using a seismic safety rationale.
3. The Council may be able to grandfather local amendments that existed prior to the 2008 WAC amendment.

John Cochran said one of Tom's recommendations is to convene a special meeting of the Building Code TAG to discuss Seattle's local amendment. He asked if the Committee has to vote on the issue after the TAG. Tim answered that since it would be direction from the Committee, it would be best to have the Committee vote on it. Tim reminded everyone that Seattle's local amendment is a petition for preliminary review. He said there is no approval or disapproval at this stage. Tom's suggestions are the type of feedback that Seattle hoped to get.

Ray Allshouse clarified that the grandfathering proposal was suggested because it would apply to existing ordinances. He said he opposes not allowing a jurisdiction to detail something in code rather than leaving it to the discretion of a building official. As long as a jurisdiction has the capability and expertise to do so, they should be allowed to. Tom said the Council shouldn't be placed in the position of judging which jurisdictions have or don't have the capability.

John Cochran said it would be helpful for code users if Seattle made changes to its code with strikethroughs and underlines to current language rather than striking Chapter 34 entirely and replacing it with new language. It would also help the Council in reaching its decision whether or not to accept the local amendment.

Lacking a formal recommendation from the ad hoc committee, John asked Tim if the work of the ad hoc committee is complete. Tim said the Committee can make recommendations to the Council, who will then advise Seattle.

Maureen Traxler said Seattle reads code alternate and code modification language differently than the Council. Seattle views it much more narrowly. One result is Seattle's impracticality language, which it only uses on existing buildings.

Maureen said she thinks uniformity among jurisdictions is pretty impossible to achieve, especially for existing buildings. Interpretations vary, and some jurisdictions are more worried about potential liability.

Despite the Council's encouragement to do so, Seattle isn't comfortable using Chapter 1. Tom said building officials have enough flexibility in Section 104 of the model code that Seattle's impracticality provision isn't necessary.

Tom said Seattle's substantial alteration provisions are more stringent than those of the IBC. Seattle's code requires seismic, automatic fire sprinklers, fire alarms and egress throughout the entire building in existing buildings being substantially altered.

Tom said he disagrees with Ray's assessment of administrative provisions. Ray clarified that the Council is concerned about technical code provisions, not administrative matters. He said it gets blurred when administrative actions have direct implications on technical requirements.

Tom concluded by saying that a lot of what Seattle has is very good. He's able to support it on a statewide basis. It just doesn't meet the criteria for a local amendment.

Motion #2:

Angie Homola moved that the Building, Fire and Plumbing Codes Committee recommend that the City of Seattle proceed with a formal request for local amendment approval, using existing code language with underscores for additions and strikethroughs for deletions. Review by the Building Code Technical Advisory Group is advised prior to Council consideration. Tom Kinsman seconded the motion. The motion was unanimously adopted.

STAFF REPORT

Tim commended everyone, including staff and Council, TAG and audience members, for working so hard to complete an unprecedented amount of work this year to date.

OTHER BUSINESS

Flood Plain

Tim referred to a June 26 letter from the Department of Ecology (DOE) about local residential amendments dealing with flood plain elevation. Under Council policies and statute, review of such amendments is required. DOE, in conjunction with the National Flood Insurance Program, have been advising jurisdictions to provide within their local ordinances a provision to create or require a one-foot "freeboard" between the bottom of

residential structures and the flood plain elevation. It was brought to DOE's attention that their advice about flood plain elevation conflicts with the IRC.

A number of provisions in the IRC allow local jurisdictions to adopt their own flood hazard maps and establish their own flood plain elevations. The flood plain issue is intended to be handled by local jurisdictions. Tim said there is a conflict between what DOE is telling jurisdictions and what is in the IRC as far as "freeboard" and where the bottom of the structures or "lowest floors" are located.

In Washington there are 292 local jurisdictions participating in the National Flood Insurance Program. What number of those has a local ordinance requiring a one-foot freeboard is unknown. But for those that do, Council approval may be required. In the past, the Council has ruled that flood plain issues are outside the scope of the local residential amendment issue because it is a federal requirement.

Tim drafted a response to DOE, recommending a statewide amendment to allow greater elevation of structures as designated in local ordinance. He recommends amending R322.2.1 of the 2009 IRC as follows:

Buildings and structures shall have the lowest floor elevated to or above the design flood elevation, or a greater elevation as designated by local ordinance.

Thus Tim requested the Committee move this amendment forward into rulemaking.

Motion #3:

Tom Kinsman moved adoption of the above amendment to R322.2.1. Ray Allshouse seconded the motion. The motion was unanimously adopted.

Draft Interpretation 09-JUL03

John said this is an interpretation of Section 3301 of the International Fire Code, dealing with explosives.

JoAnne McCaughan said the request was forwarded from Douglas County Fire District #2 (DCFD2) through Jon Napier. DCFD2 asks if a permit is required for storage and use of any explosive, specifically a detonator, defined in Section 3302. It also asks if explosives can be stored in an approved magazine within 100 feet of any residence.

The proposed responses are yes to the first question and no to the second. Section 3301.2 requires a permit. Detonator is defined in Section 3302.1. Storage is prohibited by Section 3301.2.1.

Explosives are also regulated by NFPA 495 and the Department of Labor and Industries under WAC 296-52.

Motion #4:

Tom Kinsman moved approval of Draft Interpretation No. 09-Jul03. Peter DeVries seconded the motion. The motion was unanimously adopted.

ADJOURNMENT

John Cochran adjourned the meeting of the Building, Fire and Plumbing Codes Committee at 11:20 a.m.